

ORIGINAL

(14)
8-14-01
SC

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DIANNA LYNN HARRIS,
Plaintiff

v.

PENNSYLVANIA BOARD OF
PROBATION AND PAROLE,
et al.,

Defendants :

No. 1:CV-01-0270
(Judge Kane)

FILED
HARRISBURG, PA

AUG 13 2001

MARY E. DIANDREA, CLERK
Per 9/8
Deputy Clerk

MOTION TO DISMISS THE COMPLAINT

Pursuant to Fed. R. Civ. P. 12(b)(1) and (6), defendants hereby move to dismiss the complaint in this action. The Court should dismiss the complaint because it lacks jurisdiction over the subject matter and because the complaint fails to state any claim against defendants upon which relief can be granted.

A brief in support of this motion will be filed within the period prescribed by the local rules of court for this District and the Federal Rules of Civil Procedure.

WHEREFORE, the Court should dismiss the complaint in this action.

Respectfully submitted,

**D. MICHAEL FISHER
Attorney General**

By: Lisa W. Basial
**LISA W. BASIAL
Deputy Attorney General
I.D. #71554**

**SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section**

COUNSEL FOR DEFENDANTS

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Harrisburg, PA 17120
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Dated: August 13, 2001

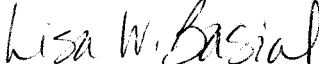
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Plaintiff	:	
	:	No. 1:CV-01-0270
v.	:	(Judge Kane)
	:	
PENNSYLVANIA BOARD OF	:	
PROBATION AND PAROLE,	:	
et al.,	:	
Defendants :	:	

CERTIFICATE OF SERVICE

I, **LISA W. BASIAL**, Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on **August 13, 2001**, I served a true and correct copy of the foregoing **Motion to Dismiss the Complaint** by causing it to be deposited in the United States Mail, first-class postage prepaid to the following:

**Eugene Mattioni, Esquire
Joseph Bouvier, Esquire
Mattioni, LTD.
399 Market Street, 2nd Floor
Philadelphia, PA 19106**



LISA W. BASIAL
Deputy Attorney General